

This matter is before the Court pursuant to the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III, filed on September 26, 2007. See 28 U.S.C. § 636(b). The Magistrate Judge recommended that the Court grant the Commissioner’s request to reverse the decision of the Commissioner and remand the case for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Specifically, the Commission asks that the case be remanded to permit the Administrative Law Judge (ALJ) to (1) fully discuss the medical evidence; (2) “set forth a well-supported residual functional capacity finding”; (3) obtain testimony by a vocational expert, if necessary; and (4) issue a new decision. The ALJ is also to “secure the electronic file” in the proceedings on plaintiff’s subsequent applications for disability insurance benefits and supplemental security income benefits, which is to be used “to aid the interpretation of the evidence in the instant file and to be used for actions taken only on the applications at issue.” Neither party has filed an objection to the recommendation and the time to do so has passed.

After careful review of the matter, the Court concurs with the recommendation of the Magistrate Judge that the Commissioner's decision in this matter should be reversed and this case remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).


Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc. 28]

IT IS FURTHER ORDERED that the decision of the Commissioner is **REVERSED**.

IT IS FURTHER ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g), this case is **REMANDED** to the Commissioner for further proceedings consistent with the Report and Recommendation.

An appropriate judgment of remand will accompany this order.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 11th day of October, 2007.